

December 5, 2018

VIA ECFS

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: Ex Parte Submission: Adak Eagle Enterprises, LLC – Connect America Fund WC
Docket Nos. 10-90 and 16-271

Dear Ms. Dortch:

This ex parte submission is made on behalf and at the direction of Adak Eagle Enterprises, LLC ("AEE").

In January 2017, AEE submitted a petition seeking reconsideration of the Federal Communication Commission's ("FCC" or "Commission") decision to deny AEE a revised offer of Alternative Connect America Cost Model ("A-CAM") support pursuant to the *A-CAM Revised Offer Order* ("Petition").¹

The Commission acknowledged the pendency of the Petition in March of this year.² AEE subsequently renewed its request that the Petition be addressed in the context of this ongoing proceeding.³

In the proposed Report and Order, Further Notice of Proposed Rulemaking and Order on Reconsideration released on November 21, the Commission yet again notes

¹ FCC Public Notice, Petition For Reconsideration Of Action In Proceeding, Report No. 3070, released February 1, 2017. The Petition sought reconsideration of the Commission's decision in *Connect America Fund*, Report and Order and Further Notice of Proposed Rulemaking, WC Docket No. 10-90, 31 FCC Rcd 13775 (2016).

² *Connect America Fund*, Report and Order, Third Order On Reconsideration, and Notice of Proposed Rulemaking, WC Docket No. 10-90, FCC 18-29, 49 n. 334 (rel. Mar. 23, 2018).

³ Ex Parte Presentation, Adak Eagle Enterprises, LLC – WC Docket Nos. 10-90, 16-271, July 31, 2018 (copy attached as Exhibit 1).

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the pendency of the Petition and proposed to address three other reconsideration requests.⁴ However, the Petition would remain pending.

As noted above, AEE's Petition has been pending for almost two years. The Petition is unopposed, and WTA – Advocates for Rural Broadband filed Comments in support of AEE's Petition.⁵ In the nearly two years since the filing of the Petition, there has been no change in the facts therein relating to the then applicable qualifications of AEE to receive a second A-CAM offer. As outlined therein and in subsequent communications, granting the Petition is warranted and in the public interest for AEE's customers and potential customers. Further, the grant of the petition and the associated A-CAM support would permit AEE to further enhance its service towards a 10/1 Mbps standard for existing and future customers.

In the Proposed Order, the FCC disposes of three pending Petitions for Reconsideration, but despite citing to AEE's Petition, it does not propose to act on the request. AEE respectfully urges the FCC that it is due time that the pending Petition be granted and requests that the draft Proposed Order be amended to reflect such action.

Please contact the undersigned with any questions.

Sincerely,



Paul C. Besozzi

Matthew G. Baker

*Counsel to Adak Eagle Enterprises, LLC;
Adak Telephone Utility, LLC; and Windy
City Cellular, LLC*

Squire Patton Boggs (US) LLP

2550 M Street, NW

Washington, DC 20037

(202) 457-5292

paul.besozzi@squirepb.com

cc: Nirali Patel
Ryan Palmer

⁴ *Connect America Fund*, Report and Order, Further Notice Of Proposed Rulemaking, and Order On Reconsideration, WC Docket No. 10-90, FCC-CIRC1812-02, released November 21, 2018, n. 77 ("Proposed Order").

⁵ Comments of WTA – Advocates for Rural Broadband, WC Docket No. 10-90 (Mar. 6, 2017).

EXHIBIT 1

July 31, 2018

VIA ECFS

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Re: Ex Parte Presentation - Adak Eagle Enterprises, LLC - WC Docket Nos. 10-90, 16-271

Dear Ms. Dortch:

The March 2018 *Report and Order* in this docket references a petition for reconsideration (“Petition”) filed by Adak Eagle Enterprises, LLC (“AEE”) asking the Commission to revisit its decision to deny AEE a second offer for Alternative Connect America Cost Model (“A-CAM”) support.¹ The Petition, which has now been pending since January of 2017,² was unopposed and supported by WTA – Advocates for Rural Broadband. In the past 18 months no objections have been raised.

During that time counsel for AEE has met with and spoken to Commission staff members on a number of occasions to urge resolution of the Petition.³ In light of the Commission’s express recognition of its continued pendency in the referenced *Report and Order*, AEE renews its request that the Commission act and that at the latest it be resolved as part of this proceeding.

¹ *Connect America Fund*, Report and Order, Third Order On Reconsideration, and Notice of Proposed Rulemaking, WC Docket No. 10-90, FCC 18-29 fn. 334 (rel. Mar. 23, 2018).

² *Petition for Reconsideration*, Adak Eagle Enterprises, WC Docket No. 10-90 (filed Jan. 19, 2017).

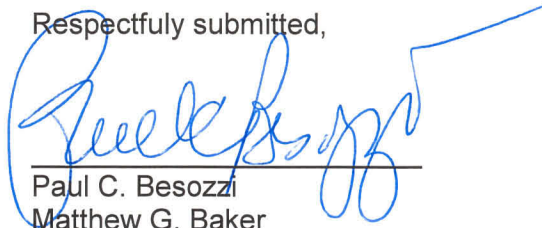
³ See Letter from Paul C. Besozzi, Counsel to Adak Eagle Enterprises, LLC, to Marlene H. Dortch, Secretary Federal Communications Commission, WC Docket No. 10-90 (filed Aug. 14, 2017); Letter from Paul C. Besozzi, Counsel to Adak Eagle Enterprises, LLC, to Marlene H. Dortch, Secretary Federal Communications Commission, WC Docket No. 10-90 (filed Nov. 15, 2017); Letter from Paul C. Besozzi, Counsel to Adak Eagle Enterprises, LLC, to Marlene H. Dortch, Secretary Federal Communications Commission, WC Docket No. 10-90 (filed Mar. 30, 2018); Letter from Paul C. Besozzi, Counsel to Adak Eagle Enterprises, LLC, to Marlene H. Dortch, Secretary Federal Communications Commission, WC Docket No. 10-90 (filed Apr. 18, 2018); Letter from Paul C. Besozzi, Counsel to Adak Eagle Enterprises, LLC, to Marlene H. Dortch, Secretary Federal Communications Commission, WC Docket No. 10-90 (filed May 15, 2018).

Squire Patton Boggs (US) LLP

VIA ECFS

Marlene H. Dortch
July 31, 2018

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Paul C. Besozzi", is written over a horizontal line.

Paul C. Besozzi
Matthew G. Baker
Squire Patton Boggs (US) LLP
2550 M Street, NW
Washington, DC 20037
202-457-5292
Counsel for Adak Eagle Enterprises, LLC

cc: Dr. Jay Schwarz
Ryan Palmer